

**FREMONT BOARD OF SELECTMEN****22 SEPTEMBER 2005****APPROVED 10/06/2005**

At 6:20 pm the Board meeting was called to order. Present were Selectmen Donald Gates Jr and Peter Bolduc; and Heidi Carlson.

**OLD BUSINESS**

1. Selectmen reviewed minutes for 15 September 2005 and 21 September 2005. Typographical corrections were made to September 15<sup>th</sup> and they were reprinted and initialed by Board members. Motion was made by Bolduc and seconded by Gates to approve both sets of minutes as printed. The vote was unanimously approved 2-0.

2. The Conservation Commission voted on Monday to recommend to the Board of Selectmen to proceed with exercising the Glen Oakes option. John Ryan is currently drafting the option language, working with Mike Speltz on the easement, and with the Lawrence Family attorney on final details.

3. Selectmen read through the mail folder.

At 7:00 pm Department Heads Neal Janvrin and Richard Heselton were present. Heselton took the Selectmen outside to see the new truck, which was lettered today. One decal needed to be replaced and the Chief will tend to that tomorrow.

At 7:15 pm the meeting came back to order in the meeting room.

Chief Janvrin brought in revised OHRV permitting forms for the Selectmen to review. He said he had spoken with Cordes about the forms this week as well, and the insurance card requirement has been left included. Janvrin left copies of the forms for the Board to review. This will likely wait for a full board to review. Bolduc did want to go on record (as he will not be present next week) that he was fully in support of the program and wanted to sign the final document once it is prepared.

Janvrin said that the Davis property has begun to accumulate junk again, and he spoke with Mr Davis today.

Heselton said that the school is spending \$14,000 for a sign and feels that the money would be much better spent on hooking up the emergency generator that the Chief feels he worked very hard to get. As the permit for this sign was in the Selectmen's folder to review, it was brought out to review the size and style of the sign. Chief Heselton was advised if he felt strongly about it to speak with the School Board.

At 7:30 pm Mary Hollins met with the Selectmen. She said she had sent a letter to the Selectmen a few weeks ago and not heard back yet, and decided to follow up. Selectmen apologized to her, indicating that they had reviewed her letter and a response, but not yet formalized a letter.

Hollins explained the information from her initial letter and that after the event, said she left for eight days and went to Florida and found that she had a bad wheel bearing in the vehicle, in addition to the tire repairs already mentioned. She explained that she is still a student and buying books and paying for her schooling, working, and caring for her daughter. She said she did not have the money for the repair work. She said she knew it was not the Selectmen's fault personally but felt that it was the Town's responsibility to pay for the damage.

She said she did have good control of her vehicle. She said she had been with her friend, eating dinner and let her child play with her friend's child and stayed late. At approximately 11:00 pm she was traveling from her friends house to where she lives on Cotton Farm Road in Danville.

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She said she hit a deer on that road earlier this year, and due to that she said she drives toward the middle of the road. She had not gone to her friend's house that way, as she had gone there from Methuen MA. She said she now travels another route home because of the two incidents she had on that road. She said she does not live in the area and does not travel the road on a daily basis. Gates said he does often travel the roadway and never noticed the pothole there. He said he had no doubt it was, but never saw it himself.

Chief Heselton left the meeting at 7:35 pm.

Hollins said that she initially thought she was in Sandown, and was corrected by the officer when she called the Sandown Police. She then contacted Fremont Police and said she felt the Fremont officer was rude to her and made her feel like it was "nothing" what had happened to her. He had informed her that it was not reportable as an accident because the damage was under \$500.

She said that potholes are hard to see at night, and that she was going down an incline, traveling with her car in third gear. She said that it was a huge surprise to her, and that she could hear air leaking when she turned the steering wheel a certain way. She said by the next morning that the air was completely gone from the tire. She said it has been to the shop but it was not fixed when she picked up the car. She said they had resealed it the first time, but not fixed the dent. When she took it back and said it was not fixed, the shop did look at it again and make further repairs. She showed the Board a photo of the tire, indicating a significant "dent" in it, making it obviously very difficult for the tire to hold air.

Gates explained to Ms Hollins the Town's responsibilities when notified of a highway insufficiency. Ms Hollins did not think that made sense. Gates walked through the explanation again and gave a more laymen's explanation of RSA 231:90. He said that as the operator of the vehicle that she had a responsibility to be prudent and careful in operation of her car.

Gates said that unfortunately, the Town is not liable for this damage, and quoted her information from the statutes and from our highway manual "A Hard Road to Travel."

Ms Hollins said that the highway worker was out there fixing it when her friend went the next day to take photographs.

Gates provided another example of if a car pulls out of a driveway and a motoring car swerves to avoid it, there is no liability on the part of the car pulling out if there is no contact between the two vehicles.

Ms Hollins was provided with copies of NH RSA 231:90 through 231:92 and a page from the NH Highway manual "A Hard Road to Travel" which provided further case law about the Town's liability. Selectmen said they were very sorry about what happened, but that the Town could not be responsible to pay the bills.

Selectmen discussed with Hollins her school and professional plans. Selectmen said that she could feel free to get back in touch with the Board after reading the statutes if she had further questions. She thanked them for their time and left the meeting at 7:50 pm.

Chief Janvrin discussed Ross Desmet's status, indicating he is still in the US. Janvrin said there was a lot going on in terms of special details due to tree trimming, the hydrant work at Clover Court, and other roadside maintenance. Janvrin left the meeting at 7:55 pm.

**OLD BUSINESS**

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3. Guerwood Holmes did an inspection at Shirkin Road last Friday and did believe that much had been completed aside from minimal grading (as per their normal maintenance for access to Seacoast Farms). Gates said he thought it had been raised some in the low areas since the last time he had been out there. Bolduc said he would go look at the road as well.

4. Selectmen worked for some time on a final response letter to Mary Hollins. Once completed, it was printed and signed.

**NEW BUSINESS**

1. Selectmen reviewed and approved the accounts payable \$16,566.16 and payroll \$15,482.12 manifests. Two copies of each were signed.

2. Selectmen signed outgoing correspondence to Rosella Rufiange re: elderly exemption; Albert Blok re: tax payment; to Bob Spoerl regarding the sign at the ballfields and roadside trimming.

3. Selectmen further discussed the request from Thom Roy regarding review of the sign specifications and a permit form received from Ellis School sign, as it is larger than the sign size allowed in the Fremont Zoning Ordinance. Selectmen reiterated that the Town (or School District) is not subject to its own zoning, and that the School Board could install that sign if they saw fit. Selectmen did say that it must be safe and in no way interfere with traffic, sight distance, or public safety.

4. Abatements from 2004 have been processed by Scott Marsh for the Selectmen's review. This included commercial properties Colonial Poplin, the Inn at Poplin, and Fremont Storage. The Assessor was waiting for new revaluation information, which he used to assist with the value information, considering the 2004 ratio of 63.5%.

Based on the Assessor's recommendations, disposition of the abatements was as follows:

Colonial Poplin	03-109.01	APPROVED \$486,600 abatement (tax \$9,897.44)
Inn at Poplin	03-109	DENIED
Fremont Storage	03-166	APPROVED \$200,400 abatement (tax\$5,093.14)

Selectmen also reviewed and abatement processed for Daniel Perry on a Land Use Chang Tax for parcel 02-001.21. Marsh highlighted that the sale of the home on that lot could be used to determine value of the land only by backing out the construction costs. For that reason, Marsh has recommended an abatement of \$2,000 on that LUCT. Selectmen approved his recommendation and granted the abatement.

**OTHER BUSINESS**

Bolduc went on record as being in support of the OHRV permission forms that Chief Janvrin left earlier this evening. He will not be here next week, but would like to sign the forms and the policy with other Board members when the full Board reconvenes again in the first week of October. Copies of the OHRV forms will be sent to Cordes to review as well.

Selectmen review some budget documentation presented thus far for Planning & Zoning, Building Inspection, Assessing, and Debt Service. The Police Department budget was submitted today, and that was copied for Selectmen to review as well. Board members wanted to wait for the full board to be present before getting into the meat of the budgets, so as to avoid duplicity.

**NEXT WEEK**

The next regular Board meeting will be held on Thursday September 29, 2005 at 6:00 pm.

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With no further business to come before the Board, motion was made by Bolduc and seconded by Gates to adjourn the meeting at 10:20 pm. The vote was unanimously approved 2-0.

Respectfully submitted,

Heidi Carlson  
Town Administrator